
HOUSE BILL No. 1053

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-12-5; IC 12-14.

Synopsis: Eligibility for TANF. Provides that an individual who has been convicted of a felony involving a controlled substance and has completed or is participating in certain substance abuse treatment programs or mental health programs may receive assistance under the federal Temporary Assistance for Needy Families (TANF) program for up to 12 months. Requires the department of correction to assist an offender with applying for TANF. Makes technical corrections. (The introduced version of this bill was prepared by the forensic diversion study committee.)

Effective: July 1, 2007.

Crawford, Foley

January 8, 2007, read first time and referred to Committee on Ways and Means.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1053

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-10-12-5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 5. (a) The department shall assist a committed**
4 **offender in applying for assistance under the federal Temporary**
5 **Assistance for Needy Families (TANF) program (45 CFR 260 et**
6 **seq.) so that the committed offender might be eligible for assistance**
7 **when the offender is subsequently:**

- 8 (1) released on parole;
9 (2) assigned to a community transition program; or
10 (3) discharged from the department.

11 (b) The department shall provide the assistance described in
12 subsection (a) in sufficient time to ensure that the committed
13 offender will be able to receive assistance at the time the committed
14 offender is:

- 15 (1) released on parole;
16 (2) assigned to a community transition program; or
17 (3) discharged from the department.



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SECTION 2. IC 12-14-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Assistance under ~~AFDC~~ TANF shall be given to a dependent child who otherwise qualifies for assistance if the child is living in a family home of a person who is:

- (1) at least eighteen (18) years of age; and
- (2) the child's relative, including:
 - (A) the child's mother, father, stepmother, stepfather, grandmother, or grandfather; or
 - (B) a relative not listed in clause (A) who has custody of the child under a court order.

(b) A parent or relative and a dependent child of the parent or relative are not eligible for ~~AFDC~~ TANF assistance when the physical custody of the dependent child was obtained for the purpose of establishing ~~AFDC~~ TANF eligibility.

(c) **Except as provided in IC 12-14-28-3.3**, a person convicted of an offense under IC 35-43-5-7 or IC 35-48-4 is not eligible to receive assistance under ~~AFDC~~ TANF for the following periods:

- (1) If the conviction is for a misdemeanor, the person is not eligible to receive assistance under ~~AFDC~~ TANF for one (1) year after the conviction.
- (2) If the conviction is for a felony, the person is not eligible to receive assistance under ~~AFDC~~ TANF for ten (10) years after the conviction.

(d) The assistance paid to a dependent child under this section may not be affected by the conviction of a parent or an essential person of the dependent child under subsection (c).

SECTION 3. IC 12-14-28-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.3. (a) An individual who:**

- (1) except for 21 U.S.C. 862a(a), meets the federal and Indiana TANF program eligibility requirements;**
- (2) has been convicted of an offense under federal or state law that:**
 - (A) is classified as a felony; and**
 - (B) has as an element the possession, use, or distribution of a controlled substance (as defined in 21 U.S.C. 802(6)); and**
 - (3) either has completed or is participating in substance abuse or mental health treatment provided by:**
 - (A) an addiction services provider certified by the division of mental health and addiction;**
 - (B) a mental health provider (as defined in IC 16-36-1.5-2);**

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1 (C) the department of correction; or
 2 (D) the federal government;
 3 is eligible to receive assistance under this chapter for not more
 4 than twelve (12) months.

5 (b) For purposes of eligibility for assistance under this chapter,
 6 a court may order an individual described in subsection (a) to
 7 participate in substance abuse or mental health treatment under
 8 this section.

9 (c) The department of correction shall assist an individual who:

10 (1) is incarcerated by the department of correction; and

11 (2) will be eligible for assistance under this chapter upon:

12 (A) release to parole;

13 (B) assignment to a community transition program; or

14 (C) discharge from the department of correction;

15 with applying for assistance under this chapter as described in
 16 IC 11-10-12-5.

17 SECTION 4. IC 12-14-28-3.8 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2007]: **Sec. 3.8. In accordance with 21 U.S.C.**
 20 **862a(d)(1), the state elects to opt out of the application of 21 U.S.C.**
 21 **862a(a) for an individual who has completed or is participating in**
 22 **a substance abuse or mental health treatment program described**
 23 **in section 3.3(a)(3) of this chapter.**

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